

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ,

Plaintiff,

v.

LUIS LIMON,

Defendant.

Case No. 09-cr-00904-DLJ-1 (YGR)

**ORDER DENYING MOTION TO REDUCE
SENTENCE PURSUANT TO AMENDMENT 782**

Re: Dkt. No. 33

Now before the Court is defendant Luis Limon's motion to reduce his sentence pursuant to Amendment 782 to the sentencing guidelines, which was assigned to the undersigned judge as a general duty matter. Having carefully considered defendant's motion, the Court concludes that a response from the government is not required and, for the reasons set forth below, **DENIES** defendant's motion.

On April 2, 2010, Judge D. Lowell Jenson sentenced defendant Luis Limon to a term of 120 months imprisonment for possession with intent to distribute methamphetamines, in violation of 21 U.S.C. section 841(a)(1), (b)(1)(A)(viii). (Dkt. No. 23.) On August 28, 2014, defendant filed a pro se motion to reduce his sentence based on then-proposed Amendment 782 to the United States Sentencing Guidelines, which became effective on November 1, 2014. (Dkt. No. 26.) Defendant renewed such motion on May 29, 2015 after the amendment came into effect. (Dkt. No. 29.) Judge Jeffrey S. White was assigned such motion as a general duty matter. Judge White denied defendant's motion because "Limon was sentenced to the mandatory minimum term, and because there was no evidence that [the reduction] applied." (Dkt. No. 30 at 2.)


Defendant's instant motion appears to be based on the same grounds as his renewed motion to reduce his sentence, filed on May 29, 2015. As such, the Court shall treat his instant motion as a motion for reconsideration. "Reconsideration is appropriate if the district court (1) is

presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.1993). Defendant has provided the Court with no additional facts or argument to why Amendment 782 would apply now to reduce his sentence, nor has he claimed an intervening change in controlling law. Accordingly, the Court **DENIES** defendant’s motion.¹

This Order terminates Docket Number 33.

IT IS SO ORDERED.

Dated: January 6, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California

¹ The Court further notes that this is defendant’s third attempt to reduce his sentence. In addition to the motions referenced above, defendant also filed a motion to reduce his sentence on October 23, 2015 based on the Sentence Reform Correction Act of 2015. (Dkt. No. 31.) Judge White denied that motion explaining that such legislation had yet to be enacted. (Dkt. No. 32.)